

1 Muriel B. Kaplan, Esq. (SBN 124607)
Michele R. Stafford, Esq. (SBN 172509)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, CA 94104
(415) 882-7900
4 (415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
11 PENSION TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 CRYSTAL NICOLE THOMAS, individually
and dba CALIFORNIA PROFESSIONAL
15 PAINTING,

16 Defendant.

Case No.: C09-3212 MHP

**REQUEST TO RESET CASE
MANAGEMENT CONFERENCE;
DECLARATION OF MICHELE R.
STAFFORD IN SUPPORT THEREOF**

17
18 Plaintiffs respectfully request that the Case Management Conference scheduled for
19 October 26, 2009, at 4:00 p.m., be reset for approximately ninety (90) to one hundred and twenty
20 (120) days, as follows:

21 1. A Complaint was filed in this action on July 14, 2009, and served thereafter, to
22 compel Defendant to report and pay contributions for hours worked by its employees for the
23 month of May 2009, and to compel an audit of Defendant's records by the Plaintiffs.

24 2. Thereafter, Defendant did pay May 2009 contributions, but became delinquent for
25 June 2009 contributions, and did not schedule the audit.

26 3. On October 6, 2009, Plaintiffs' filed a Request for Entry of Default and Default
27 was entered on October 26, 2009. Plaintiffs were prepared to file a Motion for Default Judgment
28

1 when we were notified that Defendant scheduled the audit with the Funds' auditor, who has
2 reviewed the necessary documents.

3 4. The auditor is in the process of analyzing the documents for preparation of an audit
4 report. After the report is completed, the auditor will send a draft copy to Defendant for review.
5 In the event that the Defendant opposes the findings, the parties will attempt to resolve the issues
6 formally. If the matters cannot be resolved, Plaintiffs will file a Motion for Default Judgment.

7 5. If Defendant pays any and all amounts found due, Plaintiffs will dismiss the action.

8 6. Therefore, there is nothing for the Court to consider at this time.

9 7. Plaintiffs respectfully request that the Court reset the Case Management
10 Conference for a period of ninety (90) to one hundred and twenty (120) days (preferably 120) in
11 order to allow sufficient time for the audit report to be completed, reviewed, and finalized, sent to
12 Defendant for review, and resolution of any disputes between the parties.

13 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above
14 entitled action, and that the foregoing is true to the best of my knowledge and belief.

15 Executed this 28th day of October, 2009 at San Francisco, California.

16 SALTZMAN & JOHNSON
17 LAW CORPORATION

18 By: _____/s/_____
19 Michele R. Stafford
20 Attorneys for Plaintiffs

21
22 IT IS SO ORDERED.

23 The Case Management Conference in this action is hereby reset to _ March 1, __, 2010.
24 at 4:00 p.m., Courtroom 15, 18th Floor, 450 Golden Gate Ave., S.F., CA.

25 Dated: _ October 29, 2009 _

26 
27 HONORABLE MARILYN H. PATEL
28

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On October 28, 2009, I served the following document(s):

**REQUEST TO RESET CASE MANAGEMENT CONFERENCE;
DECLARATION OF MICHELE R. STAFFORD IN SUPPORT THEREOF**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Crystal Nicole Thomas
California Professional Painting
9 Lois Lane
San Francisco, CA 94134**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 28th day of October, 2009, at San Francisco, California.

_____/s/_____
Qui X. Lu